

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: The Office of the Town Attorney
PREPARED BY: John C. Rayson, Esq.
SUBJECT: Moratorium Extension Ordinance
AFFECTED DISTRICT: townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, FURTHER DEFINING THE LEGISLATIVE INTENT OF ORDINANCE NO. 2007-4 AND EXTENDING THE MORATORIUM FOR 90 DAYS FROM FEBRUARY 21, 2008, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading February 6, 2008. All voted in favor.}

REPORT IN BRIEF: Extends Moratorium until May 21, 2008

PREVIOUS ACTIONS: Ordinance 2007-4 set a Moratorium for 1 year set to expire February 21,
2008

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Approval

Attachment(s): Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, FURTHER DEFINING THE LEGISLATIVE INTENT OF ORDINANCE NO. 2007-4 AND EXTENDING THE MORATORIUM FOR 90 DAYS FROM FEBRUARY 21, 2008, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie passed Ordinance No. 2007-4 on January 17, 2007, entitled,

“AN ACCEPTANCE OF THE TOWN OF DAVIE, PROVIDING FOR A MORATORIUM ON THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS FOR THE REDEVELOPMENT OF MOBILE HOME PARKS WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE;” and

WHEREAS, The Town Council is actively working on creation of an affordable housing ordinance but has not completed this task and would benefit by an additional 90 days of moratorium and

WHEREAS, it has come to the attention of the Town of Davie that certain mobile home parks which house residents in mobile and manufactured homes are taking steps to reduce their respective resident populations based upon land use changes and rezoning applications which could proceed in a manner which frustrates the intent of Ordinance 2007-4;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

Section 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

Section 2. Moratorium Extension. The moratorium is hereby extended for 90 days from February 21, 2008 until May 21, 2008.

Section 3. Legislative Intent of Ordinance 2007-4. By Resolution R-2006-328, dated December 20, 2006, the Town recognized and declared there is an affordable housing crisis in the Town of Davie and that mobile and manufactured home residents have no comparable affordable housing in which to relocate should they lose their residence. The Resolution created the Mobile Home Task Force, pursuant to Article V, Division 1, Section 2-74 of the Town of Davie Charter, to study and approve a solution to affordable housing problems within the Town exacerbated by the displacement of mobile home residents. It recognizes the need to develop comprehensive plan policies, land development regulations and programs to promote affordable housing and increase the availability of affordable housing within the Town. The Moratorium was enacted to state the public policy of the Town of Davie to protect its mobile home residents in light of proposed, anticipated and actual land use changes the zoning changes that would displace those residents from their homes. The Moratorium is also designed to protect the health, safety and welfare as well as the economic validity of the workforce community in the Town of Davie by temporarily halting the threat of land use changes and/or rezoning efforts.

While the Moratorium is not intended to pre-empt state law regarding termination of tenancies as defined by Chapter 723 of the Florida Statutes, the intent of the ordinance is to place a Moratorium on all activities within the Town directly related to and incidental to the matter or redevelopment, modification, rezoning or conversion of existing Mobile Home Parks to any other use, including any attempts, efforts, designs,

plans and schemes to eliminate, reduce, lessen or restrict the number of existing mobile homes, manufactured homes, modular homes and RVs located in mobile home parks situated in the Town during the period of the Moratorium Extension.

The Moratorium Extension is also intended to prohibit efforts by mobile home park owners and managers to take steps and measures to represent that applications for rezoning, redevelopment and land use changes of mobile home parks within the Town of Davie that would result in the removal and displacement of mobile home residents are underway during the time they are expressly prohibited by the Moratorium as extended.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this resolution, is for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the remaining portion of this resolution.

Section 5. Effective Date. This Ordinance shall take effect immediately and to the extent it is not inconsistent herewith, Ordinance 2007-4; shall remain in full force and effect during this 90- day extension period.

Section 6. Duration. This Ordinance and Ordinance 2007-4 shall sunset and be repealed May 21, 2008.

PASSED ON FIRST READING THIS _____ DAY OF _____,
2008

PASSED ON SECOND READING THIS _____ DAY OF _____,
2008

MEMBER

ATTEST:

MAYOR/COUNCIL

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008